

Applicants respectfully traverse the rejections of claims 2-5, as detailed above, for the following reasons. Applicants respectfully disagree with the Examiner's arguments and conclusions, and submit that a *prima facie* case of obviousness has not been established.

Applicants respectfully note that "the examiner bears the initial burden, on review of the prior art on any other ground, of presenting a *prima facie* case of unpatentability." In re Oetiker, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992) (Emphasis original). To establish a *prima facie* case of unpatentability, three basic criteria must be met. First, the prior art references, when combined, must teach or suggest all of the claim limitations. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Finally, there must be a reasonable expectation of success M.P.E.P. § 2143.

Furthermore, the teaching or suggestion to make the claimed combination must be found in the prior art, not in Applicants' disclosure. In Re Vaeck, 947 F.2d 488, 493, 20 U.S.P.Q.2d 1438, 1442 (Fed. Cir. 1991). Additionally, the evidence of a teaching, suggestion, or motivation to combine must be "clear and particular." In Re Dembiczak, 175 F.3d 994, 999 (Fed. Cir. 1999). As will be described below, modifying the cited references is improper.

Independent claim 5 recites, among other things, "a protruding female terminal configured to receive the protruding male terminal." The prior art reference, even if it could properly be modified as suggested by the Examiner, would fail to teach or suggest

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the claimed invention. On Page 2 of the Final Office Action, the Examiner asserted that the downwardly facing transverse groove 62 in Emerson was the female terminal. The Examiner has not shown, and the Applicants fail to see, how these female terminals are "protruding," or how they are configured to "receive the protruding male terminal," as recited in independent claim 5. The Examiner has suggested on Page 3 of the Final Office Action that the certain features of the female and male terminals may be reversed, a contention that Applicants traverse as set forth below, such that the male terminal is "configured to grip a connecting wire instead of the female terminal." However, Applicants fail to see how the connecting wire can be substituted for a terminal, especially when another limitation in claim 5 already recites a terminal with a portion "configured to grip a conductive wire." Accordingly, because the Examiner has failed to show how the prior art references teach or suggest all of the claim limitations, the Examiner has not met the burden of presenting a *prima facie* case of unpatentability, and Applicants respectfully request withdrawal of this rejection.

Additionally, the Examiner cited In re Einstein, 8 U.S.P.Q. 166, 167 (CCPA 1931) for the proposition that "a mere reversal of essential working parts of a device involves only routine skill in the art." Applicants believe that the Examiner has misunderstood both In re Einstein and In re Gazda, 104 U.S.P.Q. 400 (CCPA 1955), the other case cited in M.P.E.P §2144.04 as supporting this proposition. In both cases, the Court invoked the above proposition only where the prior art reference(s) disclosed the claimed invention, with the only difference being the movement of the various parts relative to each other. Accordingly, the "reversal" was only with respect to the

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movement of those parts. For example, in In re Einstein, both the claimed invention and prior art comprised spindles connected to a sleeve and an outer element, the only difference being that in the claimed invention only the sleeve moved with the spindle, while in the prior art only the outer element moved with the spindle. Similarly, in In re Gazda, both the claimed invention and prior art comprised clocks and winding means mounted relative to a steering wheel, with the only difference being that in the claimed invention only the clock moved with the steering wheel, while in the prior art only the winding means moved with the steering wheel.

In the present case, the Examiner has failed to show how the cited references teach or suggest the claimed invention, as set forth above. Additionally, the claimed invention and the prior art do not differ only in the movement of the various parts relative to each other, and thus cannot be "reversed" in the manner set forth in In re Einstein. If anything, the Examiner has not "reversed" parts, but instead rearranged parts. In order to rearrange parts, however, "the prior art must provide a motivation or reason for the worker in the art, without the benefit of appellant's specification, to make the necessary changes in the reference device." M.P.E.P. § 2144.04 (citing Ex parte Chicago Rawhide Mfg. Co., 223 U.S.P.Q. 351, 353 (Bd. Pat. App. & Inter. 1984)). Accordingly, because the Examiner has improperly applied In re Einstein, Applicants respectfully request withdrawal of this rejection.

Furthermore, because the Examiner improperly applied In re Einstein, the Examiner has failed to provide a proper motivation to modify Emerson to account for its admitted failure, as written on Page 2 of the Final Office Action, to "explicitly disclose

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the female terminal with the fork shape and the tip at the base end." Accordingly, because there is no motivation to modify Emerson as suggested, the Examiner has not met the burden of presenting a *prima facie* case of unpatentability, and Applicants respectfully request withdrawal of this rejection.

In view of the foregoing, Applicants request reconsideration of the rejections and submit that the rejections detailed above are improper and should be withdrawn. For at least the above reasons, independent claim 5 and its respective dependent claims 2-4 are patentably distinguishable from the cited prior art references.

Furthermore, Applicants respectfully point out that the final action by the Examiner presented some new arguments as to the application of the art against Applicants' invention. It is respectfully submitted that this Request for Reconsideration after Final allows the Applicants to reply to the final rejections and place the application in condition for allowance.

Applicants respectfully request that this Request for Reconsideration after Final be considered by the Examiner, placing the application in condition for allowance. This Request for Reconsideration after Final should allow for immediate and favorable action by the Examiner. Applicants therefore request the Examiner's reconsideration of the application, and the timely allowance of the pending claims.

The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

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In discussing the specification, claims, abstract, and drawings in this Request for Reconsideration After Final, it is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicants believe that Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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